

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
Plaintiff,)
)
v.)Criminal No. 04-10003-MEL
)
METALOR USA REFINING CORPORATION,)
Defendant.)

FINAL ORDER OF FORFEITURE

LASKER, D.J.,

WHEREAS, on or about January 8, 2004, the United States Attorney for the District of Massachusetts filed an Information charging Defendant Metalor USA Refining Corporation ("Defendant Metalor") with one count of Engaging in Monetary Transactions in Property Derived From Specified Unlawful Activity, in violation of 18 U.S.C. § 1957;

AND WHEREAS, the Information also contained a forfeiture allegation, which, as a result of the offense alleged in Count One, and pursuant to 18 U.S.C. § 982(a), sought the forfeiture of any property, real or personal, involved in such offense, or any property traceable to such property, including, but not limited to \$423,000;

AND WHEREAS, in a Plea Agreement dated December 11, 2003, Defendant Metalor admitted that the \$423,000 constitutes property involved in a money laundering offense, and consented to the forfeiture;

AND WHEREAS, on or about January 14, 2004, at a change of

plea hearing, Defendant Metalor pled guilty to the Information and was sentenced by the Court to a term of probation of five years, a fine of 2,250,000.00, a special assessment fee of \$100.00, and was ordered to forfeit the \$423,00.00;

AND WHEREAS, based upon the evidence set forth at the January 14, 2004, plea hearing and the admission contained in the plea agreement dated December 11, 2003, the United States has established the requisite nexus between the \$423,000 and the offense to which Defendant Metalor has been convicted and sentenced, and therefore, the \$423,000 is subject to forfeiture to the United States pursuant to 18 U.S.C. § 982;

AND WHEREAS, on or about February 2, 2004, this Court issued a Preliminary Order of Forfeiture, pursuant to 21 U.S.C. § 853(a), as incorporated by 18 U.S.C. § 982, and Rule 32.2 of the Federal Rules of Criminal Procedure, against Defendant Metalor's interests in the \$423,000;

AND WHEREAS, on February 27, 2004, March 5, 2004, and March 12, 2004, a Notice of Order of Forfeiture was published in the Boston Herald Newspaper pursuant to 21 U.S.C. § 853(n), as incorporated by 18 U.S.C. § 982;

AND WHEREAS, by virtue of Defendant Metalor's guilty plea and subsequent conviction, the United States is now entitled to any and all interest Defendant Metalor has in the \$423,000;

AND WHEREAS, to date, no other claims of interest in the

\$423,000 have been filed with the Court and the time within which to do so has expired.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The United States' Motion for a Final Order of Forfeiture is allowed.

2. The United States of America is now entitled to the forfeiture of all right, title or interest in the \$423,000 and it is hereby forfeited to the United States of America pursuant to the provisions of 21 U.S.C. § 853, as incorporated by 18 U.S.C. § 982.

3. Any parties having any right, title or interest in the \$423,000 are hereby held in default.

4. The United States Department of Homeland Security, U.S. Customs and Border Protection, is hereby authorized to dispose of the \$423,000 in accordance with applicable law.

DONE AND ORDERED in Boston, Massachusetts, this _____ day of _____, 2004.

Dated:

MORRIS E. LASKER
United States District Judge